

## PREVIOUS LAWSUITS/JUROR SERVICE

If any of you would answer yes to any of these questions, please raise your hand.

1. During the past five years, have any of you served on a jury?

Was it a civil or a criminal case?

If civil, what, in general, was the case about?

Without telling me the outcome, or who won, please tell me whether or not the jury reached a verdict.

There is a substantial difference between the burden of proof in a criminal trial and the burden of proof in a civil trial.

In a criminal trial, the prosecution prove all the essential facts beyond a reasonable doubt.

In a civil trial such as this one, by contrast, the burden of proof is less demanding. To win a civil case, plaintiff must prove all the essential

facts by a preponderance of the evidence. which means that after the jury takes into account the evidence the defendants have presented, the jury concludes that the essential facts are more likely true than not true.

Will you be able to put aside your prior jury experience as you sit in this case, to ignore completely anything you learned about the law or evidence in those cases, and decide this case solely on the basis of the evidence that I admit during this trial and on the law as I instruct you in it?

Have you, or has anyone in your immediate family, been a party (either as a plaintiff or as a defendant) to any lawsuit, civil or criminal? If so, please raise your hand.

If so, who (you or a family member) was the party to the case?

Was the person a plaintiff or a defendant?

What was the nature of the case?

Was the United States Government, a cab company or an insurance company involved in that case?

Is there anything about that experience that would cause you to question your ability to decide this case fairly and impartially, only on the basis of the evidence I admit during this trial and the law as I instruct you in it?

Have you ever been a witness in state or federal court in any lawsuit, civil or criminal? Raise Hand

Did you testify for the plaintiff or the defendant?

What was the nature of the case?

Is there anything about that experience that would cause you to question your ability to decide this case fairly and impartially, solely on the basis of the evidence I admit during this trial and the law as I instruct you in it?

## **LAWS GENERALLY**

Have you, or has anyone in your immediate family, attended law school or had any other training in the law?

If so, will you put whatever knowledge of the law you may have acquired before today out of your mind during this trial, and will you promise to apply only those legal principles in which I instruct you.

Do you have any specific feelings or opinions about lawsuits, lawyers or the parties who bring lawsuits, either positive or negative?

Do you have any specific feelings about the size of jury awards?

## **CAR ACCIDENTS**

Have you or any of your family members or close friends ever been in an auto accident? If yes:

What was the nature of the accident?

Was anyone injured?

How serious was the injury?

Was any claim made?

Would anything about that accident affect your ability to be impartial in this case?

If you were injured in an accident, do you have any feelings about suing others that might keep you from filing a lawsuit to recover damages for your injury.

If yes, explain.

## **TAXI DRIVERS**

Have you or any members of your family or close friends ever worked as a taxi driver of any other kind of professional driver? If yes, please explain.

Have you or any member of your family or close friends ever had a negative experience with a taxi driver? If yes, please explain.

Do you believe that taxi drivers are better drivers, worse or about the same as other drivers?

## **INSURANCE COMPANIES**

Are any of you insured by State Farm?

Have you ever submitted a claim to an insurance company? If yes, was it resolved?

Have you or any members of your family or close friends ever worked in the insurance industry or claims field? If yes, explain.

Do you have any feelings about insurance companies that might affect your ability to make a fair and impartial decision in this case? If yes, please explain.

Do any of you believe that an insurance company who pays money to its insured who was injured in an accident, should not be reimbursed by the person who caused the accident? If yes, please explain.

Will you give all parties a fair and impartial trial even though some are corporations? If no, describe/explain.

## **UNITED STATES GOVERNMENT/ARMED FORCES**

Would any experience with, or feeling about, the United States government affect your ability to be impartial in this case? If yes, explain

This case involves a member of the United States Army. Have you or any family member or close friends been a member of the Army?

Do you have any feelings about the United States Army that cause you to question your ability to decide this case fairly and impartially?

Who among you has worked for the United States Government?

When did you work for the government?

In what position did you work?

Is there anything about your employment with the United States that would affect your ability to be impartial in this lawsuit, in which an agency of the United States is involved? If yes, explain.



## **CLOSING QUESTIONS**

Do any you have any reluctance about serving as a juror?

Is there anyone who would feel any reluctance in joining the discussions with the members of the jury during deliberations?

Is there anyone who would feel offended if other members of the jury disagreed with their view of the evidence?

It is your duty as a juror to listen to the opinions and points of view of the other members of the jury. .Would any of you be unwilling to listen to a fellow juror who disagreed with you?

It is also your duty as a juror to express your opinion or point of view regarding the evidence to the other members of the jury.

Is there anyone who would be unwilling to speak up and try to persuade other members of the jury who disagreed with your view of the evidence?

Is there anyone who would be unwilling to change an opinion if, after listening to the arguments of the other members of the jury, you were persuaded that your opinion was wrong?

In a trial the plaintiffs put on their evidence first, and then the defendants have the opportunity to put on their evidence. Do any of you think you might have difficulty keeping an open mind regarding this case until you have heard all the evidence and I have instructed you on the law?

If you are selected to sit as a juror, will you be able and willing to render a verdict solely on the evidence presented at the trial and the law as I instruct you and not based upon your emotions, or any preconceived notions about the facts or the law in this case? Is there anyone who thinks he or she cannot do that?

Do you understand that you must follow my instructions regarding the law whether you agree with the law or not? If that idea troubles you, please let me know.

As a juror, you may have to resolve conflicts in the testimony of witnesses. This means you may have to decide whether to believe or reject all or part of a witness's testimony or who is telling the truth. Is there any juror who feel this is not something he or she can do.?

Can you think of any experience in your life or any other matter which occurs to you now that you think you should bring to my attention because it may have some bearing on your ability to be fair as a juror in this case?

From what you have heard about this case thus far, is there anything that causes any of you to believe that you cannot be fair and impartial as a juror in this case?

Is there anything which has happened here this morning which any of you think may affect your ability to be fair and impartial to the parties that you have not told us about up to now?

Is there any reason at all why you can't be absolutely fair to the plaintiffs in this case?

Is there any reason at all why you can't be absolutely fair to the defendants in this case?

Having heard all the questions put to you, do you know of any reason why you could not sit on this jury and render a fair verdict based on the evidence presented and the legal instructions I give you?

[GIVE COUNSEL 5 MINUTES TO POSE ADDITIONAL QUESTIONS]